

Digital Audio Files Available over the Internet

Digital audio pilot

Beginning August 6, 2007, the United States District Court for the District of Nebraska will participate in a 12-month pilot project to make digital audio files of court proceedings available to the public over the Internet through the Public Access to Court Electronic Records (PACER) system. The judges involved in the pilot are District Judge Richard Kopf, Magistrate Judge David L. Piester, Magistrate Judge Thomas Thalken, and Magistrate Judge F.A. Gossett. During the pilot, audio files of all court proceedings held in front of these judges, unless otherwise specified by the judge, will be uploaded to the Case Management/Electronic Case Files (CM/ECF) system. Attorneys of record on a case will receive a Notice of Electronic Filing for the audio file and one free download. Audio files will also be available to the public via PACER at a cost of \$0.08 per file, plus the cost of accessing the docket sheet or docket activity report.

Limiting personal information

If information subject to the court's privacy policy¹ is stated on the record, it will be available in the audio files this court makes available. Since counsel and the parties are solely responsible for guaranteeing that pleadings and testimony comply with the court's rules requiring redaction of personal data identifiers, the better practice is to avoid introducing personal data identifiers and other sensitive information into the record in the first place, unless absolutely necessary to prove an element of the case. Also, be advised that courtroom deputies cannot redact audio files before they are placed on CM/ECF. Please take this into account when questioning witnesses or making other statements in court. If private information is mentioned during a hearing or trial, counsel may move the court to seal, restrict, or otherwise prohibit placement of the digital audio file of the hearing or trial on the Internet through the PACER system.

Privacy policy

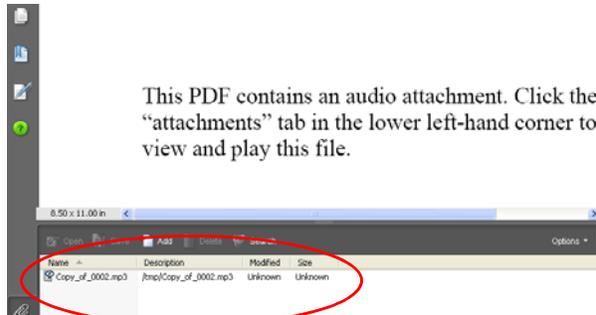
The judiciary's privacy policy restricts the publication of certain personal data in documents filed with the court. The policy requires limiting the disclosure of Social Security and financial account numbers to the last four digits, using only

¹ For guidance on the privacy policy as applied to documents, exhibits, and transcripts, see <http://www.ned.uscourts.gov/cmecf/> --> "Notice of Electronic Availability of Case File Information"; NECivR 5.3; and NECrimR 49.3. On 12/1/2007, the privacy policy will be replaced by new Federal Rule of Civil Procedure 5.2 and new Federal Rule of Criminal Procedure 49.1. The text of the new rules is available at <http://www.uscourts.gov/rules/congress0407.htm>.

initials for the names of minor children, and limiting dates of birth to the year. [For criminal cases, home addresses are limited to city and state.] However, if such information is elicited during testimony or other court proceedings, it will become available to the public.

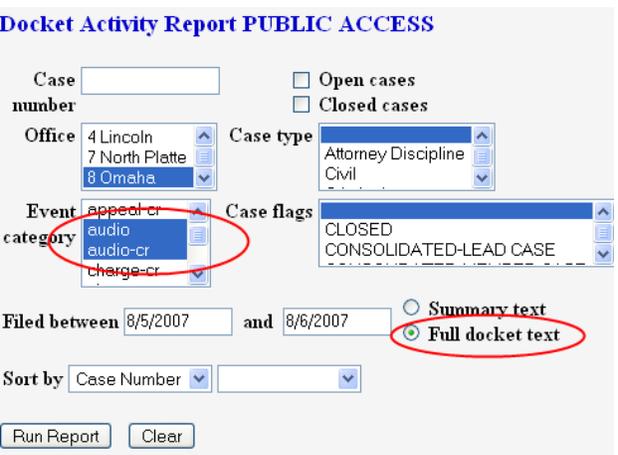
Accessing audio files from a Notice of Electronic Filing (NEF)

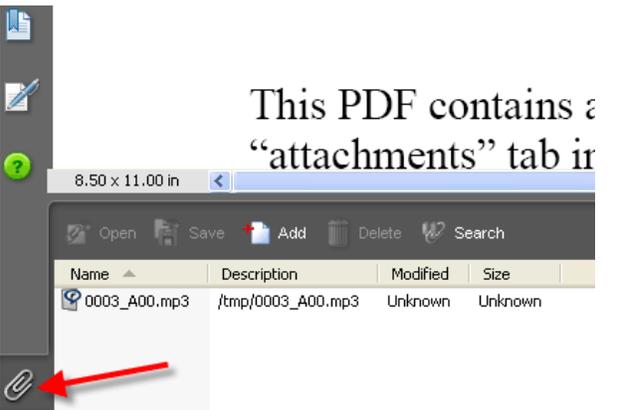
Each individual that receives a NEF for a case receives one free download of the audio file. Follow the steps in the table below to access the audio file.

STEP	RESULT								
<p>1. From the e-mail notification, click the Document Number link.</p> <p>The audio files are in MP3 format and embedded as an attachment to a PDF.</p>	<p style="text-align: center;">U.S. District Court District of Nebraska</p> <p>Notice of Electronic Filing</p> <p>The following transaction was entered on 7/30/2007 at 8:32 AM CDT and filed on 7/30/2007</p> <p>Case Name: USA v. Cassidy et al Case Number: 8-02-cr-103 Filer: Document Number: 6</p> <p>Docket Text: AUDIO FILE as to defendant(s) Butch Cassidy regarding Initial Appearance [2] held on 07/17/07 before Magistrate Judge F.A. Gossett. (LKP,)</p>								
<p>2. Click the Attachments tab or paper clip icon (depending on the version of Acrobat) to display a link to the MP3 file.</p>	 <p>This PDF contains an audio attachment. Click the "attachments" tab in the lower left-hand corner to view and play this file.</p> <table border="1"> <thead> <tr> <th>Name</th> <th>Description</th> <th>Modified</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>Copy_of_0002.mp3</td> <td>[mp3]Copy_of_0002.mp3</td> <td>Unknown</td> <td>Unknown</td> </tr> </tbody> </table>	Name	Description	Modified	Size	Copy_of_0002.mp3	[mp3]Copy_of_0002.mp3	Unknown	Unknown
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Accessing audio files from PACER

During the pilot, PACER will charge \$0.08 to open an audio file (plus the cost of the accompanying report). Audio files are in MP3 format and can be played on a variety of media players. Follow the steps in the table below to find and retrieve court audio files.

STEP	RESULT															
<p>1. Login to PACER.</p> <p>2. Select Reports from the menu bar.</p>	 <p>The screenshot shows the ECF Reports menu bar with 'Reports' circled in red. Below the menu bar is the U.S. District Court District of Nebraska logo and the text 'Official Court Electronic Document Filing System'.</p>															
<p>3. Select the Docket Activity Report.</p>	 <p>The screenshot shows the ECF Reports page with 'Docket Activity' circled in red. Other options include Docket Sheet, Court Information, Civil Reports, Civil Cases, Judgment Index, Criminal Reports, Criminal Cases, and Civil and Criminal Reports.</p>															
<p>4. Select any desired filters, such as Office or date range.</p> <p>5. From the Event Category field, select audio (for civil cases) and/or audio-cr (for criminal cases).</p> <p>6. Select Full docket text.</p> <p>7. Click on Run Report.</p>	 <p>The screenshot shows the 'Docket Activity Report PUBLIC ACCESS' filter page. The 'Event category' dropdown is set to 'audio' and circled in red. The 'Full docket text' radio button is selected and circled in red. The 'Run Report' button is also circled in red.</p>															
<p>8. A list of all audio files for the given date range will be displayed. Click on the document number in the third column to access the audio file.</p>	 <p>The screenshot shows the 'Docket Activity Report' results table. The document number '20' is circled in red in the third column.</p> <table border="1"> <thead> <tr> <th>Case Number/Title</th> <th>Dates</th> <th>Category/Event</th> <th>Docketed by</th> <th>Notes</th> </tr> </thead> <tbody> <tr> <td>03-cr-0000-JEB-TOT Covate v. ACME</td> <td>Entered: 08/01/2007 08:29:41 Filed: 08/01/2007</td> <td>Category: audio Event: Audio File Document: 20</td> <td>LKP Type: crt</td> <td>Cause: 281331 Fed. Question: Personal Injury MCC: Personal Inj. Prod. Liability Office: 8 Omaha Referral: Joseph F. Rutledge Referral: Thomas D. Thadron Jury demand: Plaintiff Case Flags: STAT-MED</td> </tr> <tr> <td></td> <td>Entered: 08/01/2007 08:29:44 Filed: 08/01/2007</td> <td>Category: audio Event: Audio File Document: 21</td> <td>TIS Type: crt</td> <td></td> </tr> </tbody> </table>	Case Number/Title	Dates	Category/Event	Docketed by	Notes	03-cr-0000-JEB-TOT Covate v. ACME	Entered: 08/01/2007 08:29:41 Filed: 08/01/2007	Category: audio Event: Audio File Document: 20	LKP Type: crt	Cause: 281331 Fed. Question: Personal Injury MCC: Personal Inj. Prod. Liability Office: 8 Omaha Referral: Joseph F. Rutledge Referral: Thomas D. Thadron Jury demand: Plaintiff Case Flags: STAT-MED		Entered: 08/01/2007 08:29:44 Filed: 08/01/2007	Category: audio Event: Audio File Document: 21	TIS Type: crt	
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<p>9. The audio files are in MP3 format and embedded as an attachment to a PDF. Click the Attachments tab or paper clip icon (depending on the version of Acrobat) to display a link to the MP3 file.</p>	 <p>The screenshot shows the Adobe Acrobat interface. The main content area displays the text "This PDF contains a 'attachments' tab in". The left sidebar shows a list of attachments, including "0003_A00.mp3" with a description of "/tmp/0003_A00.mp3". A red arrow points to the paper clip icon in the sidebar, which is used to toggle the visibility of attachments.</p>